

CITY OF IDAHO FALLS
BOARD OF ADJUSTMENT
P.O. BOX 50220
IDAHO FALLS ID 83405-0220
(208) 612-8276

October 22, 2009
12:15 p.m.

City Annex Building, Council Chambers
680 Park Avenue

Members Present: Stephanie Austad; Jake Cordova; Steve Davies; Hal Latin; and Richard Lee.

Members Absent: Alex Creek; James Wyatt; and Kendall Phillips.

Staff Present: DaNiel Jose, Current Planner; Brad Cramer, Assistant Director; and Deb Petty, Recording Secretary.

Also Present: The applicant and approximately 4 representatives.

Change to Agenda: The September 10, 2009 minutes and the Findings of Fact and Conclusions of Law for 243 Alturas will be approved at the next meeting.

Call to Order: The meeting was called to order at 12:30 p.m. by Chair Cordova.

Minutes: None.

Public Hearings: **Variance Request**
Garbett Homes
Block 8, Snake River Landing, Division No. 5

Jose described the request as outlined in the staff report, part of the public record. She noted the following in regard to the project:

- The request is for two variances; a reduction to the required building separation from 12-feet to 10-feet, and a reduction to the required common area from 20% to 13%.
- The property is zoned commercial with a PUD (Planned Unit Development) overlay.
- The 10-foot separation is sufficient to meet fire code requirements.
- Property has a unique shape due to existing infrastructure and land not controlled by the developer.
- Would not consider the request economic in nature as the site is a reclaimed gravel mine and reclamation is a costly process.
- The open space provided in Snake River Landing development is 40 acres.
- When residents purchase homes they will be involved in all levels of the CC&Rs (Covenants, Conditions, and Restrictions).
- By granting the variance requests the project will meet the requirements of the Subdivision Ordinance and the PUD.
- There is residential to east and staff has received no public comments.

Chair Cordova opened the hearing to public comment.

Todd Meyer
645 Hickory Lane
Idaho Falls. ID 83402

- Representing Garbett Homes.
- Project is a PUD (Planned Unit Development) and gives more oversight to the City regarding the site plan, circulation, landscaping, etc.
- One of the objectives of the PUD is to allow some design flexibility.

- Survey results for the 2000 Comprehensive Plan indicated the public wanted more Greenbelt; a place for people to live, work, and shop; and an integrated pathway system.
- The Snake River Landing development is approximately 450 acres with a variety of land uses and an abundance of landscaping/open space.
- Numerous planners were involved in the design of the development and the final product is a “new urbanism” type of environment with narrower streets and reduced front setback.
- The boundaries of the site include Snake River Parkway on the west and county outparcels and the Snake River on the east.
- Developer made every effort to purchase the county residential properties to the east at fair market value and owners were not interested in selling.
- Per the Comprehensive Plan the pathways are interconnected.
- The site has abundant landscaping and water features.
- Although the open space is less than required, it is adjacent to an additional 40 acres of green space.
- The “green” amenities are available to the residents and public alike.
- The required separation is 12-feet, but the request for the reduction is not economic in nature as the developer could construct a multi-unit product (condos, townhomes, or apartments) and there would be no separation requirement.
- The developer was being responsive to the needs of the City, transportation requirements, and the Comprehensive Plan.

Richard Welch
Garbett Homes
10431 N. Canterbury Drive
Highland, Utah

- In response to Latin’s question about product pricing, Welch said their product will start in the 190’s.

Todd Meyer
645 Hickory Lane
Idaho Falls. ID 83402

- Item C of the Comprehensive Plan emphasizes the creation of useable recreation, common and public facilities and suggested a reduction of 2-feet to the required separation and put toward the pathway system is meeting that intent.
- He confirmed for Davies that with the C-1 zoning the developer could increase the density with a multi-family product.
- The density for a PUD in a C-1 zone is 35 units per acre.

Eric Isom
901 Pierview Drive
Idaho Falls. ID 83402

- As part of the CCR’s, residents will be able to use the open space as if they own it, as a portion of their HOA (Homeowner Association) fee will go toward maintenance of the green space.
- The shape of the property is dictated by properties to the east and the location of the storm pond, a part of the landscape system.
- They believe they have made the best use of the site.

- While marketing the property a number of clients put money down and expressed the desire for a single-family product.

Chair Cordova closed the hearing to public comment.

Discussion by the Board:

Davies stated he was struggling with the premise that the site is unique due to the shape of the lot and the need to locate the buildings closer together. He does not see the connection with the prior use of the lot and the need to put the buildings closer together. He said an economic issue may be resolved by placement of the buildings, but not the uniqueness of the lot. Cordova said the location of existing outparcels made the site unique and the fact that it is a reclamation project. Davies said the spacing requirement is still questionable.

Jose said the PUD does allow flexibility. However, the requirement is for a 12-foot side yard. It is not a setback requirement, but a side yard requirement. The shape of the parcel and elevations make the site unique and they may gain some by reducing the side yard, but not that much. Davies asked if there is a real technical justification for the 2-feet. Jose said normally she would not be in favor of the reduction except for the allowed flexibility with a PUD and the fact that the plan meets the building code.

Motion by Latin, seconded by Austin to approve the variance requests to reduce the required side yards from 12-feet to 10-feet and reduce the required common space from 20% to 13%, as the property is unique, the request is not economic in nature, and it does not negatively impact the surrounding neighborhood. Motion passed.

Aye: Stephanie Austad; Jake Cordova; Steve Davies; Hal Latin; and Richard Lee.

Nay:

Abstain:

Business: None.

Miscellaneous: None.

Adjourn: Meeting adjourned at 1:03 PM.

Debra Petty, Recording Secretary
Board of Adjustment